EXPLANATION OF

45

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله حمدا كثيرا طيبا مباركا فيه كما يحب ربنا ويرضى، الحمد لله الذي علم بالقلم، علم الإنسان ما لم يعلم، والصلاة والسلام على أشرف الأنبياء والمرسلين، نبينا محمد، وعلى آله وصحبه أجمعين، اما بعد:

RECAP

Last class, we finished the ninth cause of Ghusl. We mentioned some points that pertain to the Ghusl for Salātul Jumu'ah.

Then we moved on to the tenth cause of Ghusl;

الغُسْلُ مِنْ زَوَالِ الْعَقْلِ

Ghusl due to loss of consciousness.

and we said it is not Wājib.

Then the author takes us to a new section;

الطَّهَارَةُ مِنَ النَّجَاسَةِ

Purification from physical impurities.

And the first subheading under that is:

نَجَاسَةٌ

(Physical impurities.)

Under this subheading, we have a list of what is considered Najis. The Ulamā of various Madhāhib list what is Najis. Whether it is in the Mutūn or the books of Fiqh, they list what is Najis, not what is Tāhir. Because the Ulamā agree that things are assumed to be pure and clean by default. What is considered Najis is limited to specific items that have been clearly identified. So if something is not proven to be one of those impurities, then it is regarded as Tāhir. It is practically impossible to make a list of what is Tāhir.

The first two matters that the author mentions is;

بَوْلٌ، وَغَائِطٌ

(Urine and feces)

And we take them together because they're closely related. Many Ulamā related an Ijmā' that they are Najis. And in addition to the Ijmā' there are Ahādīth that proves that.

And for Ghāith, there is also Qiyās that proves it is Najis. It can be proven by Qiyās Jalī or Qiyāsul Awlā. And the way that it is proven by Qiyās is that we have Ahādīth that establishes that urine is Najis. Ghāith (Feces) is even more clearly impure. Because its impurity is greater and more severe.

AHĀDĪTH THAT PROVE THE IMPURITY OF غَائِط (HUMAN FECES)

For Ghāith, there are Ahādīth also that proves that it is Najis.

- Like the Hadīth in Sunan Abu Dāwūd, where the Messenger ﷺ was leading the Sahābah in Salāh, and he took off his sandals and placed them to his left. And the Sahābah did the same thing. When the Messenger ﷺ finished his Salāh, he said, *"What made you remove your sandals?"* They said, "We saw you remove your sandals, so we removed ours." And that is when the Messenger ﷺ said,

إِذَا جَاءَ أَحَدُكُمْ إِلَى الْمَسْجِدِ فَلْيَنْظُرْ فَإِنْ رَأَى فِي نَعْلَيْهِ قَذَرًا أَوْ أَذًى فَلْيَمْسَحْهُ وَلْيُصَلِّ فِيهِمَا

"When you come to the masjid, look at your sandals to see if they have Najāsah on them. If they do, wipe them off and pray in them."

And there is other Ahādīth with similar meanings.

- The Ahādīth that order Istinjā, prove the Najāsah of the Ghāith as well. The objective of Istinjā is to remove the Najāsah and cleanse the affected area completely.

- We are even taught to wash our hands after Istinjā to remove any remaining traces of the Najāsah. The Prophet ﷺ used to rub his hands with the ground for this purpose. Using soap or similar cleaning agents today fulfills the same function إن شاء الله.

Maymūnah رضي الله عنها said that she gave the Messenger ﷺ water to do Istinjā. She said,

ثُمَّ أَفْرَغَ بِيَمِينِهِ عَلَى شِمَالِهِ، فَغَسَلَ مَذَاكِيرَهُ، ثُمَّ دَلَكَ يَدَهُ بِالأَرْضِ

The Messenger ﷺ rubbed his hands with the ground after doing Istinjā. That Hadīth is in Sahīh Bukhārī and Muslim.

There is another narration that is related by Abu Hurairah رضي الله عنه, that the Messenger ﷺ made Wudū, then he did Istinjā, then he rubbed his hands on the ground after doing Istinjā.

تَوَضَّأَ فَلَمَّا اسْتَنْجَى دَلَكَ يَدَهُ بِالأَرْضِ .

After he ﷺ did Istinjā, he rubbed his hands on the ground to clean it from any Najāsah (impurity),

THE GHĀITH OF A CHILD AND AN ADULT, WHETHER IT IS A BOY OR A GIRL, HAS THE SAME HUKUM

The Ghāith of a child and an adult, whether it is a boy or a girl, has the same Hukum. Urine is Najis and purification from that Najāsah is Wājib. However, there is a distinction or something like an exception. It is not regarding the impurity of urine itself. It is regarding the manner in which it is purified.

With Ghāith, there is no difference whether it is a child or an adult, or whether it is a boy or a girl. With urine, there is an exception.

URINE OF AN INFANT BOY

This Mas'alah concerning the urine of an infant pertains to an infant boy who has not yet begun eating solid food. It is a Mas'alah that is very important for parents. Because it relates specifically to how the urine of an infant boy is purified. And let me emphasize, this is for a baby boy who has not yet begun eating solid food.

If it is a baby boy who has not begun eating solid food, then it is sufficient to sprinkle water over the place where he urinated.

MAS'ALAH: IS IT PURE (ṬĀHIR) OR IMPURE (NAJIS)?

The Mas'alah that we need to take is that, is urine of an infant boy who has not begun eating solid food considered Tāhir or Najis? We have established that the Ulamā agree that all you have to do is sprinkle water from the urine of an infant boy who has not begun eating solid food. The issue now is, is his urine Najis or Tāhir?

THE FIRST OPINION: IT IS TĀHIR.

The first opinion is that it is Tāhir. And that is the opinion of Dāwūd ad-Dhāhirī and some of the Hanābilah (it is an opinion within the Hanbalī Madhab) and it is something as-Shawkānī adopted. They said, that the urine of an infant boy who has not begun eating solid food, is Tāhir (pure).

FIRST PROOF:

They mentioned a Hadīth in Sahīh Bukhārī. Hadīth Ummu Qais bin Mihsan رضي الله عنها. Ummu Qais said; "I took my young son to the Messenger ﷺ and he had not started eating ordinary food yet. And the Messenger ﷺ took him and put him in his lap. The child urinated on the garment of the Messenger ﷺ." What did the Messenger ﷺ do?

فَدَعَا بِمَاءٍ فَنَضَحَهُ وَلَمْ يَغْسِلْهُ

He asked for water, and poured or sprinkled that water over the area where there was Najāsah, and he did not wash it.

SECOND PROOF:

In a similar Hadīth, that is in Bukhārī; They used to bring the boys to the Messenger ﷺ to make dua for them. And one of those infants urinated on the clothes of the Messenger ﷺ. What did the Messenger ﷺ do?

فَدَعَا بِمَاءٍ فَأَتْبَعَهُ إِيَّاهُ، وَلَمْ يَغْسِلْهُ

He asked for water. He poured it over the place where there was urine, and he did not wash his clothes.

Now, "فَنَضَحَهُ" is a term used in the first Hadīth. It means that he sprinkled it or lightly sprayed it with water. The term refers to sprinkling water over the Najāsah as opposed to washing it thoroughly. So it is a lighter action than washing.

The second Hadīth gave a similar meaning because it said he sprinkled or poured water and did not wash it.

THIRD PROOF:

In Sunan Abu Dāwūd, Abuh Samh رضي الله عنه, -who used to serve the Messenger ﷺ-, said. that al-Hasan or al-Husayn رضي الله عنهما was brought to the Messenger ﷺ and one of them urinated on the chest of the Messenger ﷺ. Abuh Samh said, when I went to wash it, the Messenger ﷺ said,

يُغْسَلُ مِنْ بَوْلِ الْجَارِيَةِ وَيُرَشُّ مِنْ بَوْلِ الْغُلَامِ

The urine of a female is to be washed. The urine of a male infant boy is to be sprinkled with water.

The bottom line of their argument from these Ahādīth is that, they inferred from the sufficiency of merely sprinkling the urine of the baby boy, that his urine is Tāhir. They said if it was Najis, washing it would be obligatory. Just like a baby girl or an adult.
That is the first opinion.

THE SECOND AND RĀJIH OPINION: IT IS NAJIS.

The second opinion is that the urine of an infant boy who has not begun eating solid food is considered Najis. This is the opinion of the overwhelming majority of the Ulamā, and it is the correct opinion.

FIRST RATIONALE: SOMETHING PURE DOES NOT NEED TO BE PURIFIED.

The previous opinion, the Dhāhiriyyah and those who went along with that opinion, argued that the command to sprinkle water over the urine of an infant baby boy who has not begun eating solid food, proves that his urine is Tāhir and it is not Najis. If it was Najis, we would have to wash it.

This group here, the overwhelming majority of the Ulamā, said the opposite. They said the command to sprinkle water over the urine of a baby boy is evidence of its Najāsah. Because if that urine was pure, there would be no need to purify it by sprinkling water over it. The purpose of sprinkling water over it is to purify it. Something pure does not need to be purified.

They said the most that can be inferred from these narrations pertaining to the urine of a baby boy before he begins to eat solid food, is that the Sharī'ah granted a concession in the way that it is purified. Washing was waived as a form of leniency. Sprinkling that area of Najāsah was deemed sufficient. But this does not mean that the urine itself is pure.

SECOND RATIONALE: CONCESSIONS IN THE METHOD OF PURIFICATION DOES NOT PROVE THAT THAT THING ITSELF IS PURE

The Ulamā also said that there are matters in Islam where the process of purification has been made easier. But that does not mean that the thing itself is Tāhir.

For example, the shoe that we mentioned in the earlier Hadīth of Abu Saīd al Khudrī رضي الله عنه. Or the hem of a woman's garment if it becomes contaminated with Najāsah. The Sharī'ah provided a lighter method of purification for them. If we were to adopt the principle that everything for which the process of purification has been made easier is pure, then we would be forced to accept conclusions that no Ulamā hold.

For example, we would have to say that the hem of a woman's garment when it is contaminated with Najāsah, it is pure. Yet we know it's purification has merely been made easier. It is purified by passing over a clean ground and it does not require washing. It is considered Najis before passing over that clean ground.

And the same applies to shoes. If a shoe or a sandal becomes contaminated with impurity, its purification is achieved by rubbing it against the ground. No one says the shoe was pure before being rubbed on the ground. It is regarded as impure until that purification process takes place. Even though washing it is not required.

The bottom line and the summary in this Mas'alah is that, a concession in the method of purification does not prove that that thing itself is pure. The Sharī'ah merely made it easier. Sharī'ah made its purification from that Najāsah easier. It doesn't mean that it is Tāhir.

TWO CONDITIONS FOR WHEN WATER CAN BE SPRINKLED TO PURIFY

- Something important to keep in mind is that the sprinkling is specific to the urine of a baby boy only, not a girl. A girl is not included.
- And second condition is that, the baby infant boy cannot be at the age where he is eating solid food. If he begins eating solid food, then one must wash the urine completely, just like a girl or an adult.

SEEKING THE WISDOM BEHIND RULINGS

This leads to an issue some Ulamā discussed, and that is, 'what is the wisdom or reason for distinguishing between the urine of a baby boy and a baby girl?'.

For example, we have a baby boy and a baby girl. Both have not yet begun eating solid food. If both urinate, the urine of the boy is subject to sprinkling but the urine of the girl must be washed.

When things appear similar, yet the Sharī'ah distinguishes between them, there must be an 'Illah (underlying reason) that necessitates such a distinction. The Sharī'ah does not differentiate between two things that are identical. And it does not combine between things that are essentially different.

WHEN IT IS NOT APPROPRIATE TO SEEK WISDOM

ALLAH'S LEGISLATION DOESN'T REQUIRE HUMAN JUSTIFICATION

We always need to keep in mind that Allah is the All-wise. And He does not command or prohibit except for wisdom. Sometimes we know it, sometimes we don't.

Some insist on searching for a reason or a wisdom behind every halal and every haram. It is as though Allah جل في علاه 's legislation requires human justification- والعياذ بالله

- . A true believer knows that Allah سبحانه وتعالى legislates with perfect wisdom, and he accepts it. We follow His commands because they come from Him. Not merely because someone claims to have discovered an underlying reason that happens to appeal to us. Sometimes the wisdom behind a ruling is apparent to us and sometimes it remains hidden.

A BELIEVER'S PATH IS; 'WE HEAR AND WE OBEY'

A believer's path is one of unwavering submission to the judgment of Allah سبحانه وتعالى and His Messenger ﷺ. He accepts it simply because Allah سبحانه وتعالى and His Messenger ﷺ have decreed it.

Pork is haram because Allah سبحانه وتعالى has forbidden it. Hijab is ordained because Allah سبحانه وتعالى has commanded it. We wash from the urine of a baby girl because the Messenger ﷺ instructed that. We sprinkle from the urine of a baby boy because the Messenger ﷺ prescribed it.

Submitting revelation to one's intellect or delaying acceptance of authentic proof until it appears reasonable to that individua,l or until one is satisfied with his underlying wisdom that he gets, that is the path of the Shaytān;

قَالَ أَنَا خَيْرٌ مِّنْهُ خَلَقْتَنِي مِن نَّارٍ وَخَلَقْتَهُ مِن طِينٍ

Shaytān said: I am better than him. You created me from fire. You created him from clay.

A believer's path is;

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَن يَقُولُوا سَمِعْنَا وَأَطَعْنَا

Faith and submission are not dependent upon knowing every wisdom behind what Allah سبحانه وتعالى has commanded or prohibited. We obey because Allah سبحانه وتعالى and His Messenger ﷺ have commanded it. In this regard, there is no 'why' to be asked. There is only 'hearing and obeying'. At times, Allah سبحانه وتعالى from His generosity has informed

us of the benefit and wisdom in what He has made lawful or the harm in what He has prohibited.

WHEN IT IS APPROPRIATE TO SEEK WISDOM

IF THERE IS A FIQH BENEFIT

Sometimes, the Ulamā discuss the underlying wisdom because it is beneficial in extending a ruling to other similar cases through Qiyās. Sometimes there is a Fiqh benefit, in looking into the wisdom. But for the purpose of accepting any command, whether it is a major command or minor matters, all that is required is to know that Allah سبحانه وتعالى or His Messenger ﷺ has commanded it.

MAS'ALAH: DIFFERENCE BETWEEN A BABY BOY'S AND BABY GIRL'S URINE

WISDOM AND REASONS MENTIONED BY SCHOLARS

In this matter, why is the boy different from the girl? The real reason and wisdom is, because the Messenger ﷺ said so. However, some Ulamā discuss this matter. And because they did, we'll mention it.

THE MANNER IN WHICH THE URINE OF A BABY BOY IS EXPELLED

Some attributed the distinction to the manner in which urine is expelled. They said the urine of a baby boy comes out with force and it tends to spread. That makes it difficult to wash thoroughly. Because it is difficult to wash, a concession was granted in its method of purification to make it easier for people.

They said that the urine of a baby girl is more contained. It is easier to wash, so no concession was needed there.

THE NATURE OF THE FEMALE'S URINE

Some Ulamā said the reason or the wisdom relates to the nature of the female's urine. They said that the female's urine differs from the male's urine. They said the urine of a female has a stronger and more unpleasant odor than that of a male. Therefore, washing was commanded in her case, unlike the urine of a baby boy.

Abul Yamān was a student of as-Shafi'ī رحمه الله تعالى. He said, I asked As-Shāfi'ī about this matter. And As-Shāfi'ī said, '*The urine of a baby boy is from water and clay, and the urine of a baby girl is from flesh and blood*.' Then he asked Abu al-Yamān *'Do you understand?'* Abu al-Yamān said, 'No'. As-Shāfi'ī then said, *'Allah created Adam from clay and water. So the boy's urine is from water and clay. It is from what he was created from. Hawwa was created from his rib. So the girl's urine is from flesh and blood. It is from what she was created from.'* As-Shāfi'ī then asked Abu al-Yamān, '*Do you now understand?*' He said, 'Yes'.

PRACTICE OF FAVORING BABY BOYS OVER BABY GIRLS

Another astonishing opinion is that people tend to show greater affection for baby boys than girls. And therefore, they carry baby boys more frequently out of love. This leads to more frequent exposure to urine of a baby boy and it becomes difficult to constantly wash from it. So to make things easier, the Sharī'ah came with a concession for a baby boy and not a baby girl.

THIS PRACTICE OF FAVORING A BABY BOY OVER A BABY GIRL IS BLAMEWORTHY IN ISLAM

When I studied this I'llah for the first time, I was very young. It didn't really sit well with me, but I never wanted to say something that I may get sinned for. Then years later,

when I studied with my father -May Allah grant my father a long life full of deeds (Aameen)-'s Sheikh, Sheikh 'Atiyyah Salem رحمه الله تعالى, I studied Bulūghul Marām. And when he taught us this issue he said, *'I don't even know how Ulamā could arrive at such an I'llah'*. And he spoke what was in my heart for years.

Why did he say that? Allah سبحانه وتعالى admonished the Arab who, when given the news of a newborn female child, their faces would darken in grief, and they would suppress their sorrow because it was a baby girl and not a baby boy.

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ

When a baby girl was born, they disliked carrying her. When they got a baby boy, they would constantly carry that boy and show him off. They would love to carry baby boys more. So in this matter that we are studying, some said that, because baby boys were more beloved and more frequently carried, leniency was granted regarding the urine of a baby boy.

This practice of favoring a baby boy over a baby girl is not commendable. Islam came to abolish such thinking. This is something that I leaned from Sheikh 'Atiyyah Salem رحمه الله تعالى; Would the Messenger of Allah ﷺ establish a ruling and grant concessions and ease on a blameworthy habit that Allah has condemned or would he abolish it? Of course, he would abolish its traces.

Allah سبحانه وتعالى said in the Quran;

يَهَبُ لِمَن يَشَاءُ إِنَاثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ

Ibn al-Qayyim رحمه الله تعالى said regarding this verse; *'Allah tells us that any child a person is given is a gift from Allah سبحانه وتعالى. And that person may displease Allah by being unhappy with that which Allah سبحانه وتعالى has given him.'*

CONCLUSION

The Messenger of Allah ﷺ wouldn't grant concessions and ease on a blameworthy habit. The bottom line is that the reason for distinguishing between how the urine of a baby boy and a baby girl is purified is simply that the Messenger of Allah stated it as such.

MAS'ALAH: DOES DROPS OF URINE AFTER WUDŪ AFFECT ONE'S STATE OF TAHĀRAH

There is another important issue, but I will not go into detail since I was recently asked about it and I have already answered it in a previous question. So it can be referred to there. It is the issue of a few drops of urine on one's clothing after Wudū. Whether such drops invalidate Wudū and whether they affect one's state of Tahārah in that he must clean himself in the area of those drops.

The simple answer is that if any drops of urine - no matter how small- come out after Istinjāt and Wudū, and if it is not due to Waswasah and if it is not a medical condition, then it is Najāsah. In such a case, one must clean that Najāsah from his clothes and from himself and repeat the Wudū.

MAS'ALAH: TRACES THAT MAY REMAIN AFTER ISTIJMĀR

Another similar Mas'alah pertains to Ghāith (feces). The Ulamā discuss the traces that may remain after Istijmār, which is Istinjā with stone from feces.

Even though it is exceptionally rare for anyone to use stones nowadays, it is something mentioned in the Ahādīth. And it is important because the Mas'alah of Istijmār apply when one uses toilet paper, since both serve the same purpose of cleaning and removing the Ghāith.

The Ahnāf, Mālikiyyah, Shāf'iyyah and Hanābilah said that any trace remaining after proper Istijmār is excused. Ibn Qudāmah even said that there is no disagreement on this matter.

HOW MUCH LEFTOVER TRACE OF GHĀITH IS EXCUSED

They mentioned how much leftover trace of Ghāith is excused after cleaning oneself;

- Shāf'iyyah and the Hanābilah said that the only trace that may remain is that which cannot be removed except by water.
- Another view within the Hanbalī Madhab, and it is the view that Ibn Taymiyyah رحمه الله تعالى chose, is that the final stone used should come away with no trace remaining except a very slight amount.

There is flexibility in this matter, because Istijmār is permissible. And certainty that there is no trace left when doing proper Istijmār, entails hardship. And the very allowance of Istijmār is intended to remove hardship and ease the matter for people.

THE REQUIREMENT FOR PROPER ISTIJMĀR

The Ulamā have mentioned that any remaining trace after proper Istijmār that is not practically removable except by water is something that is excused so long as one fulfills the obligation and method of Istijmār, which is

- Cleaning with stones or something similar.
- And that it is done by wiping no fewer than three times,
- And one achieves proper cleansing by the removal of the Najāsah,

If one does this then the requirement has been fulfilled even if there is slight traces.

THE CORRECT HUKM OF ISTINJĀ: IT IS WĀJIB

Some may be surprised to know that the Ahnāf and one of the views of the Mālikī Madhab, hold that Istinjā is not even Wājib. They regard Istinjā as being a Sunnah, so long as the impurity does not extend beyond its usual place.

The correct view is that Istinjā is Wājib, whether performed by water, stones, or anything similar such as toilet paper. And that is the view of the overwhelming majority of the Ulamā.

There is a Hadīth in Musnad Ahmad, Sunan Abu Dāwūd and an-Nasa'i,

إِذَا ذَهَبَ أَحَدُكُمْ إِلَى الْغَائِطِ فَلْيَذْهَبْ مَعَهُ بِثَلَاثَةِ أَحْجَارٍ يَسْتَطِيبُ بِهِنَّ فَإِنَّهَا تُجْزِئُ عَنْهُ

When one goes to relieve himself, he should take with him three stones. cleanse himself with those stones.

يَسْتَطِيبُ بِهِنْ

Means to cleanse himself.

With this, we've completed the first two that the author mentioned;

بَوْلٌ، وَغَائِطٌ

And we can begin on the third one. However, that Mas'āil are somewhat long, so we'll save it until next class, إن شاء الله. We'll take a few questions.

الحمد لله رب العالمين، وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

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